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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,827	04/27/2005	David Richard Vernon-Dier	508-078.004	8110

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EXAMINER

VO, TUYET THI

ART UNIT PAPER NUMBER

2821

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/508,827

Applicant(s)

VERNON-DIER, DAVID RICHARD

Examiner

Tuyet Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/21/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The **title of the invention is not descriptive**. A new title is required that is clearly indicative of the invention to which the claims are directed.

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the shapes are words must be shown or the features canceled from the claims 7, 16 and 17. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is

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being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 3-8, 10, 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (US Pat. 4,293,799) in view of Rozenberg et al. (US Pub. 2004/0062055).

Regarding claims 1 and 10, Robert discloses a lighting system (Fig. 1) comprising a carrier (9, 10) for a primary source of electricity including a plurality of primary coils, a plurality of sealed lighting modules (11, 12, 13) each including at least one secondary coil, each for electro-magnetically linking with one of the primary coils, wherein each lighting module having at least one light source.

However, Robert does not teach at least one back-up battery, charging circuitry for the battery; and change-over circuitry to change to battery power in the event of failure of the primary electricity source. The missing of protection features in the Robert lighting modules has been fulfilled by Rozenberg lighting system. In order to handle failure or malfunction of a main power supply via the primary, the Rozenberg lighting system includes a rechargeable battery circuitry for backing up the battery (106, 108); and change-over circuitry (110) to change to battery power in the event of failure of the primary electricity source ([0055]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize power protection features as taught by Rozenberg into Robert in order to ensure in any circumstance even in the emergency situation the lighting system always being provided/warranted.

Regarding claims 3-7 and 12-15, Robert in view of Rozenberg discloses substantially the claim invention and Rozenberg further discloses LED light

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sources form shapes (Fig. 15) or directional arrows made of points of light (Fig. 31), wherein the shapes are pictograms (Figs. 15-31).

Regarding claims 8, 16 and 17, neither Roberts nor Rozenberg discloses the lighting device form into words, but the combination of Roberts and Rozenberg lighting system would not limit one skill in the art to extend further from any figures or letters as much as desired. Such improvement is considered as a routine skill in the art.

5. Claims 1, 2, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Patel (US Pat. 3,833,817).

Robert discloses a lighting system (Fig. 1) comprising a carrier (9, 10) for a primary source of electricity including a plurality of primary coils, a plurality of sealed lighting modules (11, 12, 13) each including at least one secondary coil, each for electro-magnetically linking with one of the primary coils, wherein each lighting module having at least one light source.

However, Robert does not teach at least one back-up battery, charging circuitry for the battery; and change-over circuitry to change to battery power in the event of failure of the primary electricity source as claimed invention.

The missing of protection features in the Robert lighting modules has been made up by Patel emergency lighting system. In order to confront with emergency or malfunction of a main power supply via the primary, the Patel emergency lighting system having a lighting module includes a rechargeable battery circuitry (T1) for baking up the battery (7); and change-over circuitry (T3)

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to change to battery power in the event of failure of the primary electricity source (col. 3, lines 41-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize power protection features as taught by Patel into Robert in order to ensure in any circumstance even in the emergency situation the lighting system always being provided/warranted.

Citation of pertinent prior art

6. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Bavaro et al. (US Pat. 6,107,744) discloses back up electrical system.
Mengelt et al. (US Pat. 5,579,197) discloses back up power system and method.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyet Vo whose telephone number is 571 272 1830. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571 272 1740. The fax phone numbers for the organization where this application or proceeding is

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assigned are 571 273 8300 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 272 2800.

Information regarding the status of an application or status information for publicizing/unpublicizing applications may be obtained from the Patent Application Information Retrieval (PAIR) system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the PAIR system, contact the Electronic Business Center (EBC) at toll free 866-217-9197.

A handwritten signature in black ink, appearing to read 'Tuyet Vo', is written over a horizontal line.

Tuyet Vo

Primary Examiner

September 15, 2006